



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
February 2, 2016

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Paul Cain, District III, Chairman
Mr. Wayne McCall, District II, Vice Chairman
Ms. Edda Cammick, District I, Chairman Pro Tem
Mr. Joel Thrift, District IV
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney David Root and Elizabeth G. Hulse, Clerk to Council present.

Press:

Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [upon request] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Ray Chandler / Anderson Independent, Dick Mangrum / WGOG Radio & Stephen Bradley / The Daily Journal.

Call to Order

Mr. Cain called the meeting to order at 6:00 p.m.

Prior to Public Comment, Mr. Cain stated that the Recognition of Emergency Services Personnel would be deferred to the February 16, 2016 meeting.

Public Comment Session

Mr. Ryan Honea addressed Council in opposition to passage of Ordinance 2015-35; noting his opposition to the county paying the defendants attorney fees in the amount of \$35,000.

County Council Response to Public Comment

None at this meeting.

Moment of Silence

Mr. Cain asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Root, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Ms. Cammick led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve the January 19, 2016 regular meeting minutes as presented.

Recognition of Emergency Services Personnel re: 500 Year Flood Event

This matter is deferred to the February 16, 2016 regular council meeting.

Presentations to Council

Senate Bill 672: Medical Marijuana Legalization / Mr. Charles Lutz

Mr. Lutz addressed Council voicing his opposition to passage of SC Senate Bill #672 which would legalize marijuana for specific medical uses. He requested that Council consider passage of a Resolution to formally oppose passage of Senate Bill #672.

Council took no action on this matter at this meeting.

Annual Financial & Compliance Report / FY Ending June 30, 2015 / Mauldin & Jenkins, LLC

Mr. David Irwin, Mauldin & Jenkins, LLC, addressed Council utilizing several handouts highlighting the key areas of the audit.

Documents presented are as follow [copies filed with the minutes]:

1. Mauldin & Jenkins, LLC Memorandum to Council,
2. Auditor's Discussion & Analysis (AD&A), and
3. Comprehensive Annual Financial Report (CAFR)

Mr. Irwin noted that the County received a "clean or unmodified" opinion and that there were no audit findings for this review period.

Administrator's Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public's benefit specifics related to the following matters before Council at this meeting:

- Public Hearing & Third Readings: Ordinance 2015-36
- Second Readings: Ordinance 2015-35 – he asked for a motion to amend the agenda to have second reading of this ordinance after the scheduled Executive Session.
- First & Final Reading of Resolutions: R2016-01
- Discussion / Action Items
- Board & Commission Appointments
- Executive Session

Mr. McCall made a motion, seconded by Ms. Cammick, approved 5 – 0 to amend the agenda to hold second reading of Ordinance 2015-35 after the Executive Session at this meeting.

Public Hearings regarding the Following Ordinances

Ordinance 2015-36 "AN ORDINANCE CONSENTING TO THE CONVERSION BY THE COUNTY OF CERTAIN RIGHTS OF **BORGWARNER TORQTRANSFER SYSTEMS, INC.** (THE "COMPANY") UNDER AN EXISTING LEASE PURCHASE AGREEMENT WITH THE COUNTY TO A FEE AGREEMENT PURSUANT TO TITLE 12, CHAPTER 44, SOUTH CAROLINA CODE, 1976, AS AMENDED (THE "ACT"), AS PROVIDED IN THE ACT, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH FEE AGREEMENT BETWEEN THE COUNTY AND THE COMPANY IN PLACE OF SAID LEASE PURCHASE AGREEMENT, AND AUTHORIZING THE RECONVEYANCE BY THE COUNTY TO THE COMPANY OF THE PROPERTY SUBJECT TO SUCH LEASE PURCHASE AGREEMENT; AND OTHER MATTERS RELATING THERETO."

Mr. Cain opened the floor for Public Comment.

Mr. Cain noting that no citizens had signed up to speak asked if any citizens wished to address Council – no citizens addressed Council.

Mr. Cain asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Cain closed the Public Hearing regarding **Ordinance 2015-36**.

Third & Final Reading for the Following Ordinances

Ordinance 2015-36 "AN ORDINANCE CONSENTING TO THE CONVERSION BY THE COUNTY OF CERTAIN RIGHTS OF **BORGWARNER TORQTRANSFER SYSTEMS, INC.** (THE "COMPANY") UNDER AN EXISTING LEASE PURCHASE AGREEMENT WITH THE COUNTY TO A FEE AGREEMENT PURSUANT TO TITLE 12, CHAPTER 44, SOUTH CAROLINA CODE, 1976, AS AMENDED (THE "ACT"), AS PROVIDED IN THE ACT, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH FEE AGREEMENT BETWEEN THE COUNTY AND THE COMPANY IN PLACE OF SAID LEASE PURCHASE AGREEMENT, AND AUTHORIZING THE RECONVEYANCE BY THE COUNTY TO THE COMPANY OF THE PROPERTY SUBJECT TO SUCH LEASE PURCHASE AGREEMENT; AND OTHER MATTERS RELATING THERETO"

Mr. McCall made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-36** on third and final reading.

Second Reading for the Following Ordinances

Ordinance 2015-35 ""AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A REFORMED AND RESTATED GROUND LEASE AGREEMENT BETWEEN OCONEE COUNTY, AS LESSOR, AND HANGAR III, LLC, AS LESSEE, AND AUTHORIZING THE CONTEMPORANEOUS EXECUTION AND DELIVERY OF A RELEASE AND STIPULATION OR ORDER OF DISMISSAL WITH PREJUDICE, ENDING THE LITIGATION CAPTIONED *OCONEE COUNTY, KEVIN ROBINSON, OCONEE COUNTY DELINQUENT TAX COLLECTOR V. HANGAR III, LLC, 25 EP CORP., BDS, JERRY EDWARDS, AND STEVE EDWARDS*, C.A. NO. 2014-CP-37-539; AND OTHER MATTERS RELATING THERETO"

Deferred to after the Executive Session [see page #4 for action].

First & Final Reading for the Following Resolutions

Resolution R2016-01 "A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PROCEDURE FOR LIMITED EMERGENCY ROAD IMPROVEMENTS AND MAINTENANCE, AND OTHER MATTERS RELATING THERETO"

Mr. Thrift made a motion, seconded by Mr. McCall, approved 5 – 0 to approve **Resolution R2016-01** on first and final reading.

Discussion Regarding Action Items:

RFP ~~ITB~~ 15-07 / Bookmobile for Library / \$215,383.11

Mr. McCall made a motion, seconded by Mr. Dexter, approved 5 – 0 to award of RFP 15-07 for a Library Bookmobile Farber Specialty Vehicles, Inc. of Columbus, OH, in the amount of \$215,383.11.

Board & Commission Appointments

Arts & Historical Commission

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to amend the agenda to make this commission appointment after the scheduled Executive Session at this meeting.

Deferred to after the Executive Session [see page #5 for action].

Old Business:

Letters to Delegation & Governor

Mr. Dexter requested that Mr. Moulder provide Council with copies of letters sent to the local delegation and Governor Haley.

New Business:

None at this meeting.

Executive Session:

Mr. McCall made a motion, seconded by Ms. Cammick, approved 5 – 0 to enter Executive Session as allowed for in §30-4-70 (a) of the Code of Laws of South Carolina, as amended, 1976 for the purpose of:

[1] discussion regarding pending litigation related to Oconee County v Hanger III, et. al.

Council entered Executive Session at 6:43 p.m.

Council returned from Executive Session at 7:12 p.m. on a motion by Mr. Thrift, seconded by Ms. Cammick, approved 5 – 0.

Mr. Cain stated that no action was taken in Executive Session.

Second Reading for the Following Ordinances

Ordinance 2015-35 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A REFORMED AND RESTATED GROUND LEASE AGREEMENT BETWEEN OCONEE COUNTY, AS LESSOR, AND HANGAR III, LLC, AS LESSEE, AND AUTHORIZING THE CONTEMPORANEOUS EXECUTION AND DELIVERY OF A RELEASE AND STIPULATION OR ORDER OF DISMISSAL WITH PREJUDICE, ENDING THE LITIGATION CAPTIONED *OCONEE COUNTY, KEVIN ROBINSON, OCONEE COUNTY DELINQUENT TAX COLLECTOR V. HANGAR III, LLC, 25 EP CORP., BDS, JERRY EDWARDS, AND STEVE EDWARDS*, C.A. NO. 2014-CP-37-539; AND OTHER MATTERS RELATING THERETO”

Mr. McCall made a motion, seconded by Ms. Cammick to approve **Ordinance 2015-35** on second reading.

Mr. Dexter read from a prepared statement [copy filed with these minutes] voicing his concerns with and opposition to passage of **Ordinance 2015-35** and the included lease and release. Mr. Thrift, Ms. Cammick and Mr. Dexter had a lengthy discussion with various opinions offered regarding this matter.

Ms. Cammick made a motion, seconded by Mr. McCall, approved 4 – 1 [Mr. Dexter opposed] to amend **Ordinance 2015-35** as discussed in Executive Session.

Mr. Cain called for the vote. **Ordinance 2015-35** was approved 3 – 2 [Mr. Thrift & Mr. Dexter opposed] on second reading as amended.

Board & Commission Appointments

Arts & Historical Commission

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to appoint Mr. Shawn Johnson to the open At Large Seat with their term being co-terminus with District I and III.

Adjourn

Mr. McCall made a motion, approved unanimously 5 – 0, to adjourn at 7:28 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council